

**PLANNING AND ZONING BOARD  
FEBRUARY 23, 2000**

**1. ROLL CALL**

The meeting was called to order at 7:32 p.m. Board members present were Chair George Greb, Vice-Chair Michael Davenport, Lawrence Davis, John Pisula (arrived at 7:32 p.m.), and Jay Stahl. Also present were Assistant Town Attorney Jon Hinden, Planner II Jason Eppy, and Board Secretary Alina Medina recording the meeting.

**2. SUBDIVISION PLAT**

- 2.1 P 8-2-99, Griffin 78 Plat, 7790 Griffin Road (B-1) (tabled from February 9, 2000)  
**(staff requesting a tabling to March 8, 2000)**

Neal Kalis, representing the petitioner, was present. Mr. Eppy stated that staff was negotiating a proposal for subrogation of the property with the petitioner. He indicated that staff was requesting a tabling of this item to March 8, 2000, in order to continue discussions. Mr. Kalis stated that the Town had been discussing some proposals with the petitioner and, although the petitioner had no objections to this tabling, the petitioner did request that the plat review move forward at the next meeting.

Mr. Pisula made a motion, seconded by Mr. Stahl, tabling this item to March 8, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**3. PUBLIC HEARING**

*Rezoning*

- 3.1 ZB 1-1-00, Synalovski Gutierrez Architects, Inc./Morris, Jaffe at 595, Inc., EDJ Enterprises, Inc., and Edjeslan Enterprises, Inc., 10220 Sate Road 84 (from A-1 to B-3) (tabled from February 9, 2000) **(staff requesting a tabling to March 8, 2000)**

The petitioner was not present. Mr. Eppy stated that staff was requesting a tabling of this item to the next meeting. He explained that there had been an inaccuracy with the address used and, therefore, a new advertisement would be necessary.

Mr. Pisula made a motion, seconded by Mr. Stahl, tabling this item to March 8, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

- 3.3 ZB 1-3-00, Zimmerman/Griffin Orange North, Inc., 14501 Orange Drive (from A-1 to B-3)

The petitioner was not present. Mr. Eppy stated that the petitioner was requesting a tabling of this item due to an illness in the family. He indicated that the petitioner had not specified a time certain for the request of tabling. Mr. Hinden stated that a time certain had to be provided for all items being tabled. He explained that if the petitioner was not available to attend at the following set meeting, the Board could consider another tabling.

Mr. Stahl made a motion, seconded by Mr. Pisula, tabling this item to March 22, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

- 3.4 ZB 1-4-00, Zimmerman/Seventy-Five East, Inc., 14901 Orange Drive (from A-1 to B-3)

The petitioner was not present. Mr. Eppy stated that this was the same petitioner from item 3.3 and indicated that a tabling was being requested.

Mr. Stahl made a motion, seconded by Mr. Pisula, tabling this item to March 22, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

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3.5 SE 12-1-99, Meyers/Jolmy Enterprises, Inc., 4751 SW 30 Street (M-4) (tabled from January 26, 2000)

The petitioner was not present. Mr. Eppy stated that staff was requesting a tabling of this item to March 8, 2000. He explained that during the review process, staff had requested additional information from the petitioner specifically pertaining to the use of lounges. Mr. Eppy stated that the information requested was fairly detailed and the petitioner would require additional time to provide same. He briefly described the type of information staff had requested. There were no objections.

Mr. Stahl made a motion, seconded by Mr. Pisula, tabling this item to March 8, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chair Greb stated that the Local Planning Agency would be meeting immediately after the Planning and Zoning Board. He advised that the Land Use Plan Amendment item noticed on the Agency's agenda as Wolf/Wal\*Mart would be tabled to April 12, 2000.

3.2 ZB 1-2-00, Fagundes/Value Dining of Davie/Hollywood Lincoln Mercury, 4184 to 4190 South University Drive (B-3 to B-2) (tabled from February 9, 2000)

Joe Mastriana, Mike Jatoff, and Manny Fagundes, representing the petitioner, were present. Mr. Fagundes provided a history of the site and the type of uses that were currently on the property. Mr. Eppy described the original request for rezoning and the changes that had occurred in the application. He indicated that the changes being requested were actually less than those requested on the original application and explained how the changes would affect the application. Mr. Eppy advised that the planning report had not been revised to reflect the changes; however, he emphasized that the intent of the petitioner's application had not been changed. He added that the Planning and Zoning Division's recommendation had remained the same (approval subject to the voluntary deed restrictions as noted in the planning report).

Mr. Fagundes provided an enlarged site plan and described the rezoning request as amended. He also provided a brief history of the site.

Mr. Hinden explained that staff had approached him before the meeting to determine if a new advertisement was necessary; however, he could not provide an opinion concerning advertisement until he reviewed the file. Chair Greb believed that a public hearing would be required since deed restrictions would need to be revised. Mr. Hinden explained that this was possible, but reiterated that he could not provide an opinion until he reviewed the complete file.

Mr. Fagundes explained that the application had had to be modified due to incorrect information provided by Gayle Easterling, previous Planning and Zoning Manager. Lengthy discussion followed, with Mr. Jatoff describing how his dry cleaning business worked.

Mr. Hinden cautioned the Board that the planning report had not been modified to include the changes being proposed and, as a result, did not feel comfortable with the Board proceeding until the planning report and the deed restrictions accurately reflected the application.

Mr. Fagundes disagreed with a postponement, stating that a continuance would cause him a financial hardship. He felt that previous staff had made an error and he was being

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penalized. Mr. Eppy indicated that the petitioner had worked well with staff and had been very responsive to staff's requests.

Mr. Hinden empathized with the petitioner and assured the Board that he was not looking to penalize anyone; however, he was concerned that the Board would base its decision on a planning report that did not analyze or reflect the actual application request or recommendation. Chair Greb asked if the Code even identified the proposed use. Mr. Eppy replied that the Code identified that when a use was not specifically mentioned in the Code, staff was to use the most similar use. Mr. Hinden agreed that the Code could not reflect every possible use, but again emphasized that the planning report and staff's recommendation did not reflect what was being presented to the Board.

Chair Greb explained that the Board needed to follow the legal advice provided by its attorney to ensure and protect the process. He felt that the Board would be hard pressed to go against the legal advice of its counsel. Mr. Fagundes indicated that he had been misinformed and that the lost time on this project was very costly. He understood the Board's concerns, but stated that staff would not review the site plan application until the rezoning was complete. Mr. Fagundes asked if it was possible for staff to begin reviewing the site plan so that some time could be gained. Mr. Eppy explained that staff tried not to track site plans with zoning applications, but stated that it could possibly be done. He indicated that he would discuss this issue with Development Services Director Mark Kutney. Chair Greb indicated that the Town could not be responsible if the petitioner expended additional funds to complete the site plan if the rezoning was not approved. Mr. Fagundes indicated that he was willing to take this chance, stating that the site plan was already completed.

Vice-Chair Davenport asked that he be provided with a listing of the types of chemicals that would be used by the dry cleaning business. Mr. Jatoff had no objections and indicated that he would provide the information to the Board. Mr. Davis asked that the Board also be provided with the amount of water usage by the business.

Vice-Chair Davenport made a motion, seconded by Mr. Pisula, tabling this item to March 8, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

- 3.3 ZB 1-3-00, Zimmerman/Griffin Orange North, Inc., 14501 Orange Drive (from A-1 to B-3)

Earlier in the meeting, this item was tabled to March 22, 2000.

- 3.4 ZB 1-4-00, Zimmerman/Seventy-Five East, Inc., 14901 Orange Drive (from A-1 to B-3)

Earlier in the meeting, this item was tabled to March 22, 2000.

*Special Permit*

- 3.5 SE 12-1-99, Meyers/Jolmy Enterprises, Inc., 4751 SW 30 Street (M-4) (tabled from January 26, 2000)

Earlier in the meeting, this item was tabled to March 8, 2000.

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**4. OLD BUSINESS**

Chair Greb asked if a letter of appreciation could be prepared for Lawrence Kuvin on behalf of the Board. Ms. Medina replied affirmatively and indicated that she would provide same for the Board's approval at the next meeting.

**5. NEW BUSINESS**

Mr. Stahl stated that there were two items that had been tabled earlier in the meeting that concerned Griffin Road. He asked that staff provide charts indicating the current levels of services on each road. Mr. Eppy stated that this information was within the Comprehensive Plan and indicated that copies of the specific pages would be provided to the Board for its review.

Chair Greb congratulated staff on the design of the new planning report, stating that the new format was much easier to work with.

**6. COMMENTS AND/OR SUGGESTIONS**

Mr. Pisula stated that the Joint Economic Development Steering Committee would be having its next meeting in a few days. He asked if there were any issues the Board wished for him to discuss. There were no new issues discussed by the Board.

Vice-Chair Davenport asked if there were any advancements on the issues that had been previously discussed by the Steering Committee. Mr. Pisula replied negatively, but stated that the Steering Committee was well aware of the issues that were important to the Board.

**7. ADJOURNMENT**

There being no objections, the meeting adjourned at 8:24 p.m.

Approved: \_\_\_\_\_

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Chair/Board Member